

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| UNITED STATES OF AMERICA | : | CRIMINAL NO. 05- _____ |
| v. | : | DATE FILED: _____ |
| GIORGI QVELASHVILI | : | VIOLATIONS: |
| | : | 18 U.S.C. § 924(a)(1)(A) |
| | : | (making false statement to a firearms |
| | : | dealer - 1 count) |
| | : | 18 U.S.C. § 922(g)(5) (illegal alien in |
| | : | possession of a firearm - 1 count) |
| | : | Notice of forfeiture |

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

At all times material to this indictment:

1. Surplus City, 302 Bustleton Pike, Feasterville, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44").

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form

4473 requires that the prospective purchaser certify that all his answers on Form 4473 are true and correct. The Form 4473 contains language that “making any false oral or written statement with respect to this transaction is a crime punishable as a felony.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth.

5. Among the classifications of persons prohibited from purchasing or possessing a firearm is anyone who is illegally or unlawfully in the United States, that is, an illegal alien.

6. On June 3, 1999, GIORGI QVELASHVILI, a citizen of Georgia, was issued a J-1 Visitor Exchange Visa which was valid until October 19, 1999. The Visa authorized GIORGI QVELASHVILI to work during the period of the Visa. At the conclusion of the Visa, GIORGI QVELASHVILI was required to leave the United States and to return to the country of Georgia, which he failed to do.

7. On or about April 7, 2001, in Feasterville, in the Eastern District of Pennsylvania, defendant

GIORGI QVELASHVILI,

in connection with the acquisition of a 9mm Glock handgun from Surplus City, 302 Bustleton Pike, Feasterville, Pennsylvania, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code (“Chapter 44”) to engage in the business of dealing in firearms, knowingly made a false and fictitious statement with respect to information required by the provisions of Chapter 44, in that defendant GIORGI QVELASHVILI certified on ATF Form 4473, Firearms Transaction Record, that he was not an alien illegally in the United States, when, as defendant well knew, this statement and representation was false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 18, 2005, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

GIORGI QVELASHVILI,

being an alien illegally and unlawfully in the United States, knowingly possessed in and affecting
interstate and foreign commerce a firearm and ammunition, that is, one (1) Glock 9mm (Serial
No. DTG235US) loaded with thirteen (13) rounds of 9mm caliber ammunition.

In violation of Title 18, United States Code, Section 922(g)(5).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) and 922 (g)(5), set forth in Counts One and Two of this indictment, defendant

GIORGI QVELASHVILI

shall forfeit to the United States of America, the firearm involved in the commission of these offenses, including, but not limited to one Glock 9mm (Serial No. DTG235US).

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney